

Remarks

Claims 1-13 and 22-23 are pending. Claim 1 has been amended to delete redundancies. Claims 2-3 have been amended to recite, *inter alia*, a local terminal mounted adjacent the checkout station.

Claim 1 has been further amended to flesh out the function of the controller. Specifically, the controller now enables communication of requests from a checkout station to multiple ones of a plurality of supervisory terminals by sending signals from said controller to one or a multiplicity of said plurality of supervisory terminals and to enable supervisory activity administration of the checkout station by multiple ones of the plurality of supervisory terminals and to enable an arbitration function to determine which supervisory terminals of said one or a multiplicity of said plurality of supervisory terminals conducts supervisory activities on the checkout station. Support for the controller sending signals to one or a multiplicity of supervisory terminals is found on page 9, lines 15-17. Support for the arbitration function is found on page 10, lines 14-17. The order of presentation in claim 1 has also changed for ease of reading.

Claims 14-21 have previously been withdrawn.

Status of the Claims

All pending claims are under final rejection.

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph for including an indefinite term.

Claims 1-8 and 22-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,494,136 to Humble (hereinafter “Humble”) in view U.S. Patent No. 6,502,749 to Snyder (hereinafter “Snyder”).

Claims 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view of Snyder in further view of U.S. Patent No. 6,629,019 to Legge et al. (hereinafter “Legge”).

Claims 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view of Snyder in further view of U.S. Patent No. 6,453,689 to Wada (hereinafter “Wada”).

Claim 1 Rejected Under 35 U.S.C. 112 second paragraph

Claim 1 was rejected for inclusion of the term ‘local’, i.e., ‘local terminal’. The Examiner stated that the term ‘local’ was indefinite and needed ‘a marker in space.’ Applicants have thus deleted the reference from claim 1 and amended claims 2-3 to further include the limitation of a “local terminal mounted adjacent” the checkout station. Support for this limitation is in Applicants’ specification, page 8, lines 5-8. Applicants’ believe the term ‘mounted adjacent the checkout station’ provides a sufficient marker in space and that this rejection has been overcome.

Claims 1-8, 22-23 rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view Snyder

Humble is cited by the Examiner for (1) a checkout station configured for self-checkout by customers of items for purchase and (2) a supervisory terminal configured to conduct supervisory activities to administer the operation of the checkout station. The Examiner cites inputting of missing codes into the system as “supervisory activities”. The Examiner, however, concludes that Humble does not teach (1) a controller (2) comprising stored program instructions that configure the controller to enable supervisory activity administration of the checkout station by multiple ones of the plurality of supervisory terminals and (3) to enable communication of requests from a checkout station to multiple ones of a plurality of supervisory terminals including the local terminal as claimed, *inter alia*, in Applicants’ pre-amended claim 1.

While the Examiner admits that Humble does not disclose a controller, Snyder is cited for the proposition of disclosing a controller. Snyder discloses a self-checkout station having a signal transmitter associated therewith. Upon detection of an intervention-needed activity, the signal transmitter transmits a signal to portable communication devices (i.e., pagers) held by store personnel. See Col. 3, lines 17-29. Further embodiments are discussed elsewhere in the Snyder, for example where a signal is transmitted to an intercom. In all embodiments discussed in Snyder, however, it is readily apparent that the controller configures communications from the checkout station to the supervisory terminals **but does not allow for reverse communication from the supervisory terminals to the checkout station.**

The Examiner specifically cites processing unit 78b, which appears to be a computer contained within the customer terminal, as being the “controller” of Applicants’ claim 1. See Snyder, figure 9A for where the processing unit is located. Snyder very plainly states, however, that upon detection of an intervention-needed activity by the processing unit 78b, an intervention-needed control signal is generated by signal transmitter 86a *to* pagers 90 or intercom 92. (See Snyder column 21, lines 15-37; column 27, lines 1-11.) Nothing in Snyder discloses a controller for enabling supervisory activities *from* the supervisory terminals on the self checkout station. Indeed, the whole purpose of the instruments that the Examiner calls supervisory terminals, i.e., pagers 90 and intercom 92, is to alert personnel who then must physically walk over to the self-checkout terminal in order to assist. See Snyder, column 27, lines 8-11.

The Examiner cites the following passage from Snyder for the proposition that Snyder’s “controller” enables the supervisory terminals to conduct supervisory activities on the self-checkout station: “Processing unit 78b communicates with the paging device 86 in order to generate RF signals which are received by either the wireless alphanumeric pagers 90 or the RF signal receiver 92 associated with the store’s intercom device 92.” See Snyder, column 27, lines 6-7. Applicants are not sure where in this disclosure the Examiner is finding a controller allowing supervisory activities by a supervisory terminal on the self-checkout station. All this statement is disclosing is that paging device 86 (seen in Figures 5 as being part of the self-checkout terminal), not processing unit 78b, is what actually sends the RF signal to the pagers and the intercom. This disclosure is actually more in line with Applicant’s position, because it

shows what the Examiner cites as Snyder's controller, processing unit 78b, does not actually send signals to the "supervisory terminals", and is not the same type of controller claimed by Applicants, which *does* send signals to the supervisory terminals as claimed, *inter alia*, in Applicants' amended claim 1.

In addition neither Snyder nor Humble discloses anything similar to an arbitration function to determine which supervisory terminals of said one or a multiplicity of said plurality of supervisory terminals conducts supervisory activities on the checkout station as now claimed, *inter alia*, in Applicants' amended claim 1. Therefore, the controller of Applicant's claim 1 is not disclosed in the cited prior art.

Since Applicants' claim 1 recites, *inter alia*, a controller "to enable communication of requests from a checkout station to multiple ones of a plurality of supervisory terminals including the local terminal by sending signals from said controller to one or a multiplicity of said plurality of supervisory terminals and to enable supervisory activity administration of the checkout station by multiple ones of the plurality of supervisory terminals and to enable an arbitration function to determine which supervisory terminals of said one or a multiplicity of said plurality of supervisory terminals conducts supervisory activities on the checkout station," and neither Snyder nor Humble disclose such a controller, the combination of Humble and Snyder does not recite all the claim limitations of Applicants' claim 1 and the §103 is not applicable. Claim 1 is therefore allowable. As claims 2-8, and 22-23 depend therefrom, they are likewise allowable over the cited combination.

Additionally, Humble does not disclose a local terminal mounted adjacent the checkout station, as claimed, *inter alia*, in Applicants' amended claims 2-3. The only supervisory terminal disclosed in Humble is the remote payment station. There is no station mounted on or next to the checkout station as is understood by the term adjacent. Likewise, Snyder does not disclose a local supervisory terminal mounted adjacent the checkout station (i.e. one mounted on or next to the checkout station.) According to the Examiner, the supervisory terminals in Snyder are pagers than can be carried about the store by retail personnel. See Snyder, column 21, lines 15-22. The pagers are clearly mobile, not mounted. Further they are not adjacent- the very purpose of the

paggers is to alert retail personnel when the personnel is not located near the checkout station. Therefore, claims 2-3 are allowable for this additional reason.

Claims 9-11 rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view Snyder in further view of Legge.

Legge discloses a transponder card that is used in arcade video games to, for example, release credits on a video game machine. Legge does not disclose using a transponder card for overriding a weight violation. Nonetheless, the Examiner asserts that it would be obvious to program a transponder card to eliminate a weight violation and use it with the combined systems of Humble and Snyder.

Neither Humble, Snyder or Legge, however, individually or in combination, teach or suggest using a **supervisory terminal** to clear a weight violation. Indeed, Legge teaches use of a transponder card at an instant location, i.e., a game machine, to release credits. The transponder card is not used at any other location, for example, at a supervisory terminal. This is significant. The difference between Applicants' use of transponder cards at any number of supervisory terminals at any number of locations, some stationary and some mobile, wherein one or a multiplicity of controllers are configured to enable the use of the transponder card at any particular checkout station, is a significant, non-obvious advance as compared to Legge's transponder card that has to swiped at the exact site of the game machine in question without the use of a controller for any release to happen. The Examiners cited motivation does not bridge this gap. This is further emphasized by the fact that, as stated above, neither Humble or Snyder, in addition to Legge, have a controller that enables activity from the supervisory terminals to the checkout terminals. As there is no disclosure or suggestion to clear a weight violation from a supervisory terminal, or any controller to enable this, one skilled in the art would not think to combine Humble and Snyder with the transponder card from Legge to achieve such a purpose.

Further, with regard to claim 11, Humble does not disclose a 'supervisory terminal **dedicated** to conducting supervisory activities over a first one of the plurality of checkout

stations’, as the Examiner suggests, since to the extent the supervisory terminal can perform activities on a first checkout station, it can also perform the same activities on other checkout stations, and thus is *not* ‘dedicated’.

Thus, claims 9-11 are not obvious over the cited references.

Further, for at least the reasons specified with respect to claim 1, claims 9-11 should be allowed as depending on independent claim 1 either directly or through intervening claims.

Claims 12-13 rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view of Snyder in further view of Wada.

Further, for at least the reasons specified with respect to claim 1, claims 12-13 should be allowed as depending on independent claim 1 either directly or through intervening claims.

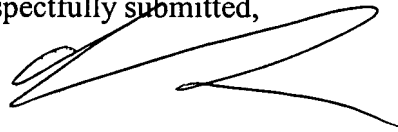
Conclusions

Therefore, for at least the reasons cited above, claims 1-13 and 22-23 are patentable over the cited references.

Pending claims 1-13 and 22-23 are believed to be in condition for allowance. Applicants respectfully request that all pending claims be allowed.

Please apply any credits or excess charges to our deposit account number 50-0521.

Respectfully submitted,



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